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October 31, 2007

Via Electronic and Overnight Mail

The Honorable Viktor V. Pohorelsky
United States Magistrate Judge
United States District Court
Easter District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Almog v. Arab Bank, plc*, Case No. 04-5564 (NG)(VVP), all related cases

Dear Magistrate Judge Pohorelsky:

I write in response to Mr. Walsh's overreaching comments in his October 12th letter to the Court concerning Arab Bank's third-party discovery requests of Bank Hapoalim. Mr. Walsh writes objecting to Bank Hapoalim's failure to produce certain records and he gratuitously draws to the Court's attention a quote from an Israeli attorney by the name of David Mena. Mr. Walsh erroneously describes Mr. Mena as "the lead Israeli counsel for the *Almog* and *Afriat Kurtzer* plaintiffs." While Mr. Mena is an Israeli lawyer who represents some of the victims in these suits, he is not "the lead Israeli lawyer." Mr. Mena has not entered a notice of appearance, he has not defended a single liability deposition¹ and he does not remain abreast of the day-to-day activities in the case. In fact, a news agency contacted Mr. Mena as a representative of a victims' association and not because his role in this litigation. In fact, he is quoted as the "legal counsel for the Terror Victims' Association." See, Exhibit 1, Golan Hazani, "Israel Checks in the Service of Hamas," Yediot Aharonot (September 4, 2007).

Most importantly, Mr. Mena never mentions Bank Hapoalim or any Israeli banks specifically and he has subsequently informed us in response to a discovery request by Arab Bank that he does not have any documents responsive to the Bank's discovery requests concerning these banks.

¹ David Mena has attended depositions of his clients but he has not defended a single deposition.

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We respectfully request that the Court disregard Mr. Walsh's references to Mr. Mena's quote or at least consider them in the context in which they were made.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Elsner", with a stylized, flowing script.

Michael Elsner